

Message Text

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GENEVA FOR SCHWEBEL

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TAGS: ICJ, EG, FI, UT, MA, MX, CE
SUBJECT: CANDIDACIES FOR INTERNATIONAL COURT
OF JUSTICE

REF: STATE 173735

1. FOLLOWING COMMENTS OFFERED BY REIS AND DO NOT
EPRESENT A MISSION APPRAISAL.

2. AFRICA. ABDULLAH EL-ERIAN'S CANDIDACY IS
OUTSTANDING. EL-ERIAN HAS CONSISTENTLY SHOWN
HIMSELF TO BE A WISE AND BALANCED COUNSELLOR,
PRO-WESTERN AND MODERATE IN HIS POLITICAL VIEWS,
FRIENDLY TO THE UNITED STATES AND READY TO EXPEND
ENERGIES FOR SHARED PRINCIPLES AND INTERESTS.
HIS YEARS IN THE 1960'S AS HEAD OF THE EGYPTIAN
MFA LEGAL AND TREATY DEPARTMENT, AT CAIRO
UNIVERSITY, AND AS SENIOR ADVISER ON MIDDLE EAST
PEACE NEGOTIATIONS, GIVE HIM THE EXPERIENCE AND
QUALIFICATIONS REQUIRED BY ART 2 OF THE ICJ'S
STATUTE THAT A JUDGE BE INDEPENDENT, OF HIGH
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PAGE 02 USUN N 02852 112033Z

MORAL CHARACTER, AND "POSSESS THE QUALIFICATIONS
REQUIRED IN THEIR RESPECTIVE COUNTRIES FOR
APPOINTMENT TO THE HIGHEST JUDICIAL OFFICES, OR
ARE JURISCONSULTS OF RECOGNIZED EXPERIENCE IN
INTERNATIONAL LAW". THE AMERICAN NATIONAL GROUP
ON THE PERMANENT COURT OF ARBITRATION MIGHT FIND
EL-ERIAN'S QUALIFICATIONS WARRANT CONSIDERATION

FOR NOMINATION.

3. WHILE THERE IS ALREADY AN ARAB ON THE BENCH (JUDGE TARAZI OF SYRIA), THE EL-ERIAN CANDIDACY SHOULD DO WELL IN THE UN GENERAL ASSEMBLY BECAUSE OF THE HIGH REGARD IN WHICH HE IS HELD. WHILE INTRA-AFRICAN NORTH-SOUTH RIVALRIES MIGHT LEAD MANY AFRICANS TO SUPPORT A SUB-SAHARAN TO SUCCEED TO THE SEAT BEING VACATED BY IGNACIO-PINTO OF DAHOMEY, THE ONLY COMPETITOR AT THIS DATE IS MADAGASCAR'S SUPREME COURT PRESIDENT RAZAFINDRALAMBO, OF WHOM NOTHING IS KNOWN HERE.

4. WESTERN EUROPE. ROBERTO AGO MAY HAVE TURNED OUT A GREATER VOLUME ON INTERNATIONAL AND OTHER LEGAL SUBJECTS THAN ANY PERSON ALIVE. BUT VOLUME DOES NOT NECESSARILY IMPORT QUALITY AND USEFULNESS, WITNESS THE UNDIGESTIBLE COMMENTARIES AGO HAS PRODUCED AS THE INTERNATIONAL LAW COMMISSION'S SPECIAL RAPPORTEUR FOR THE TOPIC OF STATE RESPONSIBILITY. US INTERESTS ARE NOT LIKELY TO BE FURTHERED BY THE SERIES OF STATE RESPONSIBILITY DRAFT ARTICLES HE HAS PRODUCED FOR ILC CONSIDERATION, WHETHER CONCERNING PROTECTION OF FOREIGN INVESTMENT WHERE THE US HAS PARTICULAR CONCERNS, OR IN THE FIELD OF PRACTICAL MEASURES TO PROMOTE INTERNATIONAL CONFIDENTIAL

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PAGE 03 USUN N 02852 112033Z

PEACE AND SECURITY. ON THE PERSONAL LEVEL AGO REPRESENTS AN UNATTRACTIVE SPECIAL BRANCH OF THE INTERNATIONAL LEGAL CONTINGENT CHARACTERIZED BY CONCERN FOR LARGE FEES AND PERSONAL AGGRANDIZEMENT. JUDGE MANNER OF FINLAND IS A FAR LESS DRAMATIC PERSONALITY BUT AN INDIVIDUAL WITH WHOM U.S. PERSONNEL HAVE HAD GOOD AND PRODUCTIVE RELATIONSHIPS, E.G., IN NEGOTIATING THE UN CONVENTION ON RELATIONS BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS. MANNER IS A BALANCED PERSON WITH A CONSISTENTLY MODERATE VIEWPOINT AND A MODEST COMPORTMENT. AMBASSADOR RICHARDSON MIGHT BE ASKED HIS OPINION SINCE, AT THE LOS CONFERENCE 7TH SESSION THIS SPRING, MANNER HEADED THE DIFFICULT NEGOTIATING GROUP 7 ON DELIMITATION OF MARITIME BOUNDARIES BETWEEN ADJACENT AND OPPOSITE STATES AND DISPUTE SETTLEMENT. AN ADVOCATE FOR U.S. POSITIONS IN LITIGATION BEFORE THE ICJ WOULD FACE WITH FAR GREATER CONFIDENCE A BENCH OF QUIETLY SENSIBLE MANNERS THAN ONE COMPOSED OF MERCURIAL AND EGO-CENTERED AGOS.

5. CANNOT OFFER COMMENT ON GOMEZ ROBLEDO OF MEXICO

OR FURTHER COMMENT ON SETTE CAMARA OF BRAZIL.
JAYAWARDENE'S CANDIDACY IS UNLIKELY TO PROSPER
BECAUSE THERE IS NO ASIAN VACANCY IN THE CURRENT
ELECTIONS. MOREOVER, SRI LANKA'S UNAPPROACHABILITY
WITH RESPECT TO KEEPING AMERASINGHE ON AS LOS
CONFERENCE PRESIDENT WILL AFFECT THE CANDIDACY
ADVERSELY IN MANY QUARTERS. LEONARD

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